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## FACSIMILE TRANSMITTAL SHEET

TO:	Examiner William C. JUNG	FROM:	Stephen T. Neal
COMPANY:	USPTO	DATE:	September 15, 2005
FAX NUMBER:	(571) 273-8300	TOTAL NO. OF PAGES INCLUDING COVER:	71
PHONE NUMBER:		SENDER'S REFERENCE NUMBER:	13309/1 (Old Docket No.: STAN-144/04US)
RE:	Serial No.: 09/662,224	YOUR REFERENCE NUMBER:	Group Art Unit: 3737

☐ URGENT ☒ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ CONFIRMATION  
☐ ORIGINAL WILL FOLLOW ☒ ORIGINAL WILL NOT FOLLOW

## Notes/Comments:

**AMENDMENT AND REQUEST FOR CONTINUED EXAMINATION (RCE)**

1. Fax Cover Sheet (1)
  2. RCE Transmittal Form (and one copy) (2)
  3. RCE Fee Transmittal (and one copy) (2)
  4. Amendment and Request for Continued Examination (RCE) (66)
- Total: (71) pages

**Certificate of Facsimile Transmittal**

I hereby certify that the above referenced correspondence is being transmitted via facsimile under 37 C.F.R. §1.11 to Examiner William C. JUNG at facsimile number: (571) 273-8300 at the United States Patent and Trademark Office.

Dated: September 15, 2005Signature: Barbara Vance

Barbara Vance

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PTO/SB/30 (04-05)

Approved for use through 07/31/2006. OMB 0851-0031  
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# Request For Continued Examination (RCE) Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/662,224
Filing Date	September 14, 2000
First Named Inventor	Philipp LANG et al.
Art Unit	3737
Examiner Name	William C. JUNG
Attorney Docket Number	13309/1

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

- Submission required under 37 C.F.R. 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

ii. ☒ Other **Amendment and Response filed April 11, 2005.**

b. ☒ Enclosed

i. ☒ Amendment/Reply

ii. ☐ Affidavit(s)/Declaration(s)

iii. ☐ Information Disclosure Statement (IDS)

iv. ☐ Other \_\_\_\_\_
- Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. 1.17(i) required)

b. ☐ Other \_\_\_\_\_
- Fees** The RCE fee under 37 C.F.R. 1.17(e) is required by 37 C.F.R. 1.114 when the RCE is filed.

a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. **11-0600**. I have enclosed a duplicate copy of this sheet.

i. ☒ RCE fee required under 37 C.F.R. 1.17(e)

ii. ☐ Extension of time fee (37 C.F.R. 1.138 and 1.17)

iii. ☐ Other \_\_\_\_\_

b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

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## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	<i>Stephen T. Neal</i>	Date	September 15, 2005
Name (Print /Type)	Stephen T. Neal	Registration No. (Attorney/Agent)	47,815

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below. Facsimile No.: (571) 273-8300

Signature	<i>Barbara Vance</i>
Name (Print /Type)	Barbara Vance
Date	September 15, 2005

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

SEP-15-2005 17:03

KENYON KENYON

SEP 15 2005

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P.03

PTO/SB/17 (10-04v2)

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)**395.00**

Complete if Known

Application Number **09/662,224**  
 Filing Date **September 14, 2000**  
 First Named Inventor **Philipp LANG et al.**  
 Examiner Name **William C. JUNG**  
 Art Unit **3737**  
 Attorney Docket No. **13309/1**

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None  
 Order

☒ Deposit Account:Deposit Account Number **11-0600**Deposit Account Name **Kenyon & Kenyon**

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) or any underpayment of fee(s)  
☒ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					<b>(5) 0</b>

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims **20** \* = **20** X **20** = **400**  
 Independent Claims **3** \* = **3** X **20** = **60**  
 Multiple Dependent **1** X **20** = **20**

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	50	2202	25	Claims in excess of 20
1201	200	2201	100	Independent claims in excess of 3
1203	360	2203	180	Multiple dependent claim, if not paid
1204	200	2204	100	** Reissue independent claims over original patent
1205	50	2205	25	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) **(5) 0**

\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	2053	65	Non-English specification	
1812	2,520	2812	1,260	For filing a request for ex parte reexamination	
1804	920*	2804	460*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	2805	920*	Requesting publication of SIR after Examiner action	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	2451	755	Petition to institute a public use proceeding	
1452	500	2452	250	Petition to revive - unavoidable	
1453	1,500	2453	750	Petition to revive - unintentional	
1501	1,400	2501	700	Utility issue fee (or release)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	2460	65	Petitions to the Commissioner	
1807	50	2807	25	Processing fee under 37 CFR 1.17 (q)	
1806	180	2806	90	Submission of Information Disclosure Stmt	
8021	40	2821	20	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	<b>395.00</b>
1802	900	2802	450	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) **(5) 395.00**

## SUBMITTED BY

Name (Print/Type) **Stephen T. Neal** Registration No. (Attorney/Agent) **47,815** Telephone **(408) 975-7500**  
 Signature *Stephen T. Neal* Date **September 15, 2005**

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SEP 15 2005

Patent

New Attorney Docket No.: 13309/1

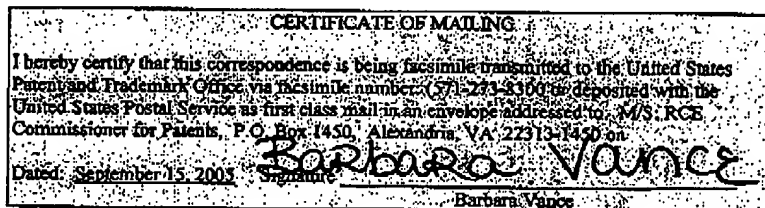
Old Attorney Docket No.: STAN-144/04US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS : Philipp LANG et al.  
SERIAL NO. : 09/662,224  
FILED : September 14, 2000  
FOR : ASSESSING THE CONDITION OF A JOINT  
AND DEVISING TREATMENT  
GROUP ART UNIT : 3737  
EXAMINER : William C. JUNG

**VIA FACSIMILE**

M/S: RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT AND REQUEST FOR CONTINUED  
EXAMINATION (RCE) UNDER 37 C.F.R. §1.114**

Dear Sir:

The following remarks below are respectfully submitted in response to the Office Action dated June 28, 2005, and following an Examiner Interview on August 30, 2005.

Amendments to the Claims are reflected in the listing of claims which begin on page 2 of this paper.

Remarks/Arguments begin on page 64 of this paper.